

for the Commission to approve the waiver, the applicant needs to demonstrate they can get two lots in without using an accessway. She said they also need to see driveway grade sight distances and details about any retaining walls. They have received a report from the Health Dept. saying the septic and well are okay. Also a report from a soil scientist saying there are no wetlands on the property. They are still waiting for watershed information as this is located within the Margerie reservoir area. She added that they shouldn't expect a report from the City Traffic Engineer as this is only a two lot subdivision. Mr. Manuel asked Mr. Scully to point out where this parcel is located on a street map. Mr. Scully said in response to Mrs. Emminger's comments, the driveways are very flat, no more than a 5-6% slope. The sight distances have been verified and there are no retaining walls on the site. The existing driveway is located in the middle of area where the two driveways are proposed. He said the "Spring Ridge" subdivision is located down below this area, so there are no houses adjacent to this property just open space. Mr. Urice asked if there was any frontage on Margerie View Dr. that could be used to access this site. Mr. Scully said there is none so that is not an option. In closing, he said he would submit his responses in writing.

Mr. Keller asked if there was anyone to speak in opposition to this and there was no one.

Mr. Urice made a motion to continue this matter until the August 15th meeting. Mr. Manuel seconded the motion and it was passed unanimously.

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7:30 PM – Karistos Associates General Partnership – Application for Special Exception for Cluster Development (“Glen Brook Estates”) in the RA-20 Zone –11 Pembroke Rd. (#G08033) – SE #660. This application has received EIC approval.

Mr. Keller read the legal notice. Keith Beaver from Didona Associates introduced the engineer for the project, Mike Mazzucco, the traffic engineer Mike Galante and one of the partners, Joe Putnam. Mr. Beaver described the site saying there are currently three single-family residences on this property. There is a small access drive from Rt. 37 to the Amber Room and a small paved parking area and gazebo also used by the Amber Room. This proposal is for a 23 unit cluster subdivision with access from Stacy Rd. The overall concept was to create neighborhood with sidewalks throughout the property included the open space areas. There is an existing bridge crossing a stream and they plan to keep it. The actual allowed density would be for 25 units, but they are only proposing 23. They are exceeding the minimum amount of required open space. They are proposing 61 parking spaces although they only need 46. This was done by using two car garages for each unit. The driveways will be constructed of porous paving and nine rain gardens will be installed to mitigate some of the surface runoff. He spoke about the proposed plantings saying that EIC had determined some of them. They will have a screen of evergreens and flowering trees to block headlights from shining onto Rt. 37 and the decorative lighting will meet all City standards. He said they had received the Planning staff comments this afternoon and they will address them.

Mike Mazzucco, PE, said this project will be served by municipal water and sewer. The property is divided by a watercourse and the wetlands extend across the rear of parcel to the FCI property. There is not a whole lot of excavation, cutting, filling, or blasting needed to be done. They tried to get roof runoff into rain gardens, which will hold about ten inches of water. He

added that they will be planted with wetland type plantings. Mr. Urice asked if this is a floodplain issue. Mrs. Emminger said this is not located within the floodplain or a watershed. Mr. Keller asked if they will have to trim the foliage back. Mr. Mazzucco said a lot of the acreage is already clear and mowed as the Amber Room uses it for photos. He said they will not be touching the area that still is dense. They don't want to take down trees if they can avoid it. Mr. Keller asked if the Amber Room will give up the gazebo and parking area. Mr. Mazzucco said they would. Mr. Cerminara asked if there is any access to the Amber Room. Mr. Mazzucco said no, but there is an easement that will be maintained. Mrs. Emminger then said she wanted to reiterate that although it is in the staff report, this Commission is very serious about not cutting down trees unless absolutely necessary. Mr. Mazzucco said they want to take down as few as possible because it costs money to cut trees down.

Michael Galante, the traffic engineer from Frederick Clarke Associates, said they did the counts in April 2007. Mr. Keller said the traffic report is based on 25 units although they are only proposing. Mr. Galante said the City's proposed improvements to the Stacy Rd. intersection are an integral part of this plan. He continued saying there is a pattern of accidents along Rt.37 consisting mostly of rear end collisions. The proposed access road is just beyond the area to be rebuilt to a "T" intersection with a traffic signal. They analyzed the intersection with consideration for the improvements. The "T" intersection would reduce the number of accidents by making it one intersection instead of the existing three. Mr. Keller asked if he has any idea of when these improvements would happen. Mr. Galante said he is not sure, it is to be soon. Mrs. Emminger said the Dept is in contact with DOT and they are saying 2008. She then asked to have the proposed DOT improvements plan shown to the Commission. Mr. Beaver showed them an overlay and explained how they will adapt their plan to accommodate the changes. Mrs. Emminger asked if the State will be doing any widening along the frontage of the site. Mr. Beaver said he will find out and report back at the next meeting. Mr. Urice asked if this is funded. Mrs. Emminger said it is funded and we expect it to happen within the next year. She said the City Traffic Engineer has not finished his review yet but we expect it shortly. Mr. Beaver said the project architect could not be here this evening but gave them renderings of the units. Mr. Keller asked if these will be facing Rt. 37. Mr. Beaver said most of the units will face each other, only a few will face Rt. 37. He added that they are in discussion with the Amber Room about getting a small piece of land from them. Mr. Mazzucco said there will be some lot line revisions once this is approved. The plans they are looking at reflect how it will be after that is done, they will go from three lots to two lots. Mr. Blaszk asked why there is no screening along back edge of development considering the amount of activity at the Amber Room. Mr. Beaver said they did not show it yet, but it be on the revised plans. Mr. Urice asked when they will see the revised lot lines. Mrs. Emminger said part of the site plan package is a lot line revision plan she referenced it in her Staff Report.

Mr. Keller asked if there was anyone to speak in opposition to this application.

Ivan Vrba, 5 Pembroke Rd. said he has a strong objection to this unless something is done with the brook. When the rain comes, the brook fills up and floods down to bridge in their back yard. If bridge is blocked, their yard will be flooded and it will run down to 3 Pembroke Rd. Nobody has seen this, but something needs to be done with the bridge. He said if their property is flooded they will have to file lawsuit. The road is so busy that he does not believe the traffic counts. Mr. Keller asked Mr. Mazzucco to address these comments.

Attorney Fran Collins said revised plans were submitted the end of last week, but only one response has been received. Dainius Virbickas said they had worked in unison with New England Land Surveying (NELS) to prepare the clarification of site plan showing which parking spaces are associated with which parcel. There are cross easements for parking and walkways but they will all function as one medical campus. Setback lines and distances, property lines have been added to the plans. They also prepared a separate site plan for 41 Germantown Rd. showing the common parking spaces and another for the combined parcels of 33 and 25 Germantown showing the same information. There were some minor modifications to the grading and utility plan and they addressed some buffer issues by adding fencing and arbor vitae. They also increased the plantings in front of the building at the request of the staff. Mr. Urice asked about the changes to the parking configuration, if the number of new spaces to be added has changed from the 180 that they mentioned at previous meeting. Mr. Virbickas said there are 169 now and NELS did a breakdown of parking calculation for each building individually. They decreased the amount of usable space so actually they broke even. The gross floor area is 85%, while the previous buildings were based on 75%. Mr. Urice said he does not believe that they have the right to recalculate the amount of parking being provided because they are combining the lots. He said he thinks the existing parking should be grandfathered and they should have to add appropriate amount of additional parking for new building. Mr. Manuel asked if all of the lots will be joined. Mr. Virbickas said 41 is owned by several entities besides the applicant. The others will be joined and easements will be granted. Mr. Manuel asked if the owners could change this. Attorney Collins said the easements will be permanent. Mr. Manuel said he would think that each of these projects has to be able to stand on its own. Attorney Collins said if things changed and they could not meet the parking requirements, then they

would have to come back to the Commission. Attorney Collins said he would doubt that would happen but if it did the Commission has the ultimate control. He said they want to follow up on the traffic issues that were brought up at the previous meeting. He referred to the City Traffic Engineer's report which asked for many costly improvements. He said there is new case law, stating that unless the traffic generated by this application, the Commission should not follow the City Traffic Engineer's recommendations. He added that this case law was based on a subdivision application not a special exception. He then said there are some offsite improvements that the applicant would be willing to undertake at their expense.

Allan Mess from Barkan & Mess, said Mr. Mohamed had recommended geometric improvements to the intersection as well as the signalization of it, but they had analyzed it and found it did not need the signal. He said they looked at the potential consolidation of the intersections and the advantages to signalization do not outweigh the disadvantages. Side streets will suffer because people don't obey the signals. Mr. Keller asked if we had received comments from Mr. Mohamed yet. Mrs. Emminger said she received the report at 4:25 PM today but have not received the Police Chief's report yet so it is still considered a draft.

Mrs. Emminger said what the applicant has presented this evening is what the City Traffic Engineer is reviewing. Attorney Collins said they would like the hearing to be kept open until the next meeting. Mr. Urice then said he has discussed this case law with Corporation Counsel and they are looking into whether it would be applicable to a special exception application. Mrs. Emminger pointed out the section in the Zoning Regulations which authorizes the Planning Commission to look at traffic impact.

Mr. Deeb made a motion to continue the hearing. Mr. Manuel seconded the motion and it was passed unanimously.

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Main Elmwood LLC - Application for Revised Site Plan for Previously Approved Special Exception in accordance with Sec. 10.D.4. of the Zoning Regulations – "Community Health Center", 70 Main St. (#I15271) – SE #523. *Public hearing opened 6/20/07 – 35 days were up 7/25/07. – extension granted to 8/8/07.*

No new information to report and given additional extension to get us to the next meeting. Mr. Manuel made a motion to table this matter. Mr. Deeb seconded the motion and it was passed

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GRC Property Investment & Development, LLC – Application for five (5) lot re-subdivision (5.195 acres) “The Tarrywile Wood” in the RA-20 Zone – 20 Southern Blvd & 6 Brushy Hill Rd. (#I16238 & #I17021) – Subdivision Code #07-02. This application has not yet received EIC approval. *Public hearing opened 7/18/07 – 35 days will be up 8/22/07.*

Ben Doto PE, said they have addressed some of the issues that were brought up. Most of the Engineering Dept. comments have to do with water and sewer issues. This is a rather unusual layout and they need to work out the details with the City, but this subdivision will be served by City water and sewer. They did locate the existing septic system, but it will be replaced by the

Mr. Elpern said changes are being made to make these zones fit their purpose and intent better. Many uses are simply being shifted from permitted to special exception uses. He said there will be no more junkyards, transfer stations, paper mills, or tanneries. Excavating has already been deleted and is not allowed anywhere except for grading. He said they will only allow helipads, no heliports and that will be as an accessory use and it will require special exception approval. The landscaping requirements are enhanced similar to what was done in the commercial regulations. They will also require certification by Landscape Architect that the landscaping was done as proposed. He said there would be no front yard storage in the setback area. Mr. Manuel asked about noise regulations. Mr. Elpern said that was taken out because the Common Council enacted a City ordinance that governs this and we don't want to have conflict. Mr. Manuel asked if this ordinance governs the entire City. Mr. Elpern said it does. Mr. Urice questioned the deletion of schools, etc. Mr. Elpern said they don't belong in industrial zones, although day care centers are allowed in IL-40. Mr. Urice made motion to give positive recommendation. Mr. Manuel seconded the motion and it was passed unanimously.

Letter from Michael Mazzucco PE requesting an alternative to condition 6A of the approval granted 2/21/07 to Jim Setaro/OSR Properties LLC, 1 Old Shelter Rock Rd. (#K13069) – Subdivision Code #06-10.

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At 10:15 PM, Mr. Urice made a motion to adjourn. Mr. Manuel seconded the motion and it was passed unanimously.